

Message Text

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ACTION L-03

INFO OCT-01 EUR-25 NEA-10 ISO-00 PM-07 NSC-07 SP-03 SS-20

RSC-01 H-03 CIAE-00 INR-10 NSAE-00 OMB-01 AID-20

IGA-02 DRC-01 /114 W

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P 161250Z APR 74

FM AMEMBASSY CAIRO

TO SECSTATE WASHDC PRIORITY 6175

INFO AMEMBASSY LONDON PRIORITY

SECDEF WASHDC PRIORITY

JCS WASHDC PRIORITY

C O N F I D E N T I A L CAIRO 2281

E.O. 11652: GDS

TAGS: BEXP EAID MARR PFOR EG

SUBJ: SUEZ CANAL CLEARANCE AGREEMENT

REF: CAIRO 2157

1. ADCM AND I CALLED ON MFA LEGAL ADVISOR ABDEL HAMID TODAY AND, AMONG OTHER THINGS, DISCUSSED SUEZ CANAL CLEARANCE AGREEMENT. HE SAID MFA AND MINISTRY OF WAR LEGAL STAFFS HAD BEEN MEETING ON SUBJECT OVER THE WEEKEND AND ARE SCHEDULED TO MEET AGAIN LATER TODAY. HE HAD A FEW PROBLEMS WITH CERTAIN ASPECTS OF THE AGREEMENT WHICH HE FELT WERE TOO SWEEPING, BUT HE NOTED THESE DID NOT YET REPRESENT ANY GOE POSITION. IN THE CIRCUMSTANCES, HE PREFERRED TO WAIT TO COMMENT IN DETAIL UNTIL A GOE POSITION HAS BEEN ESTABLISHED.

2. I TOOK THE OPPORTUNITY TO EXPLAIN TO ABDEL HAMID SOME OF THE OPERATING ARRANGEMENTS ALREADY IN EFFECT AS A RESULT OF DIRECT MINISTRY OF WAR/NIMBUS STAR STAFF TALKS, NOTING PROPOSED AGREEMENT IN EFFECT CODIFIES THESE IN GENERAL TERMS. I ALSO STRESSED URGENT NEED FOR SUCH AN AGREEMENT NOW THAT NIMBUS STAR IS UNDERWAY. ABDEL HAMID INDICATED
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UNDERSTANDING. SAID HE HOPED HAVE A DEFINITIVE GOE POSITION

BY THE END OF THE WEEK, WHICH COULD THEN BE PRESENTED TO FAHMY FOR APPROVAL WHEN HE RETURNS.

3. AS ONE CLUE TO ULTIMATE GOE REACTION, AT LEAST SOME MEMBERS OF MFA LEGAL STAFF APPEAR TOWANT TO EXCLUDE CIVIL, RPT CIVIL JURISDICTION FROM AGREEMENT. THEY BELIEVE THAT MEMBERS OF THE FORCE SHOULD BE LIABLE UNDER EGYPTIAN LAW FOR CIVIL ACTIONS. I POINTED OUT THAT WE WOULD HAVE GREAT DIFFICULTY IN ACCEPTING THIS EXCLUSION. FOR THE MOMENT, HOWEVER, WE SHOULD REGARD THIS AS AN INFORMAL EGYPTIAN REACTION.

4. I ASKED ABDEL HAMID IF HE THOUGHT THE AGREEMENT WOULD HAVE TO GO TO THE PEOPLES ASSEMBLY. HE WAS NOT SURE. HE NOTED THAT, UNLIKE THE BRITISH AGREEMENT WHICH INCLUDES A REQUIRMENT THAT GOE MAKE CERTAIN PAYMENTS, OURS HAS NO SUCH PROVISION. ANY AGREEMENT THAT OBLIGATES GOE TO UNDERTAKE FINANCING WOULD, IN HIS VIEW, HAVE TO HAVE PEOPLES ASSEMBLY APPROVAL. I TOLD HIM WE WERE HANDLING OURS AS AN EXECUTIVE AGREEMENT, BUT THAT UNDER EXISTING LEGISLATION WE WOULD PRESENT IT TO THE CONGRESS FOR PURPOSES OF NOTIFICATION.

5. THERE ARE INDICATIONS THAT MFA PREFERS TO AWAIT FAHMY'S RETURN RATHER THAN HAVE ACTING FOREIGN MINISTER HATEM HANDLE AGREEMENT. MFA UNDERSECRETARY ABDEL GHAFER, WHOM I SAW A FEW MINUTES AFTER MY MEETING WITH ABDEL HAMID, ALSO MADE THE POINT THAT FAHMY SHOULD APPROVE IT. WHEN I STRESSED THE URGENCY OF THE MATTER, HE SAID PERHAPS MFA COULD APPRAISE FAHMY AND GET HIS APPROVAL THAT HATEM HANDLE IT. I PERSONALLY DOUBT THAT FAHMY IS NOW LIKELY TO BE INVOLVED, I RECOMMEND THAT HE BE BRIEFED ON OUR AGREEMENT ADN THE NEED FOR EXPEDITIOOUS CONCLUSION THEREOF. EILTS

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